

REMARKS

Claims 27-38 are pending in this application. In the last office action, claims 27-29, 31, 33-35 and 37 were rejected under 35 U.S.C. sec. 102 as anticipated by Petrovich (U.S. Pat. No. 6,101,483). In addition claims, 30 and 36 were rejected under 35 U.S.C. sec. 103 as obvious over Petrovich in view of Borgstrom (U.S. Pat. No. 6,738,053), and claims 32 and 38 were rejected under 35 U.S.C. sec. 103 as obvious over Petrovich in view of Nambudiri (U.S. Pat. No. 6,640,214).

The preamble of claim 27 has been amended to clarify this claim. Applicants submit that this amendment does not change the scope of that claim.

I. The rejection of claims 27 and 33 should be withdrawn because Petrovich does not disclose determining whether an item is “available in the store”

As amended, independent claim 27 recites a method of indicating whether items on a shopping list are available in a store, the method including storing a shopping list in a portable computer device, receiving a signal at the portable computer device from a local communications system located in a store, “determining from the received signal at the portable computer device whether any item on the shopping list is available in the store,” and “if any of the items on the shopping list are determined to be available in the store, providing an indication to a user of the portable computer device that the item is available in the store” (emphasis added). Similarly, independent claim 33 recites a machine readable medium having embodied thereon instructions executable by a processor to perform a method that includes these steps.

Applicants respectfully submit that neither Petrovich, Borgstrom, nor Nambudiri recite a method that determines “whether any item on the shopping list is available in the store” or “provid[es] an indication to a user of the portable computer device that the item is available in the store” as recited in claims 27 and 33 (emphasis added). Rather, Petrovich merely indicates whether the user is not on a path toward an item. In particular, Petrovich discloses communicating a message “advising the user 58 when the user 58 has deviated from the efficient path 104.” See col. 10, lines 44-47. Thus, while Petrovich may direct a shopper along paths through the store, Petrovich does not teach or suggest determining whether an item is “available

Appl. No. : 09/803,928
Amdt. dated : December 30, 2004
Reply to Office Action dated November 1, 2004

in the store” or providing an indication to the user that the item is “available in the store” as recited in claims 27 and 33.

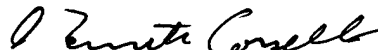
At least for this reason, the rejection of claims 27 and 33 as anticipated by Petrovich should be withdrawn. The remaining claims depend from either claim 27 or 33 and are patentable for at least the same reasons as claims 27 and 33, as well as for any additional limitations in these dependent claims.

II. Conclusion

For these reasons, Applicants respectfully request the Examiner to pass this case to issue at the Examiner’s earliest possible convenience. The Commissioner is hereby authorized to charge any additional fees required or credit any overpayment in connection with this correspondence to Deposit Account 11-0600. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (202) 220-4310.

Respectfully submitted,

Date: December 30, 2004


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